

10. Reassessments, Reviews, And Re-Determinations

10.1 Reviewing The Service Plan: Legal Authority

STATE BOARD POLICY AND THE *CODE OF VIRGINIA* REQUIRE THAT SERVICE PLANS FOR CHILDREN IN CUSTODY OR FOSTER CARE PLACEMENT BE REVIEWED TO ASSURE THE EFFECTIVENESS OF PERMANENCY PLANNING FOR EVERY CHILD. PROCEDURES FOR REVIEW ARE DESCRIBED BELOW, (§63.2-907 AND 16.1-282). A FORMAL REVIEW MUST BE HELD AT LEAST EVERY SIX MONTHS. The Types of Reviews Are Foster Care Review Hearings, Permanency Planning Hearings, Administrative Panel Reviews, and Supervisory Reviews. These review dates must be entered into OASIS.

10.2 Reassessments and Reviews

10.2.1 TYPES OF REVIEWS AND HEARINGS

FOSTER CARE REVIEW HEARING (§16.1-282): THIS IS A COURT HEARING TO REVIEW PROGRESS MADE ON THE FOSTER CARE PLAN. THIS HEARING IS HELD WITHIN SIX MONTHS OF THE 75-DAY DISPOSITIONAL HEARING OR THE HEARING APPROVING THE ENTRUSTMENT AGREEMENT AND CONTINUE TO BE HELD IN CERTAIN INSTANCES.

PERMANENCY PLANNING HEARING (§16.2-282.1): THIS IS A COURT HEARING WHERE ACTION IS TO BE TAKEN BY THE COURT TO ACHIEVE PERMANENCY FOR A CHILD. THIS HEARING IS HELD:

- WITHIN FIVE MONTHS OF THE FIRST FOSTER CARE REVIEW HEARING; AND
- WITHIN 11 MONTHS OF THE DISPOSITIONAL HEARING; AND
- WITHIN 14 MONTHS OF PLACEMENT.

A PERMANENCY PLANNING HEARING MAY BE HELD EARLIER IF PERMANENCY CAN BE ACHIEVED FOR THE CHILD EARLIER. IF A PERMANENT PLAN CANNOT BE ACHIEVED AT THIS HEARING, A SECOND PERMANENCY PLANNING HEARING SHALL BE HELD WITHIN SIX MONTHS. THE COURT MUST MAKE A JUDICIAL DETERMINATION THAT REASONABLE EFFORTS HAVE BEEN MADE. (See 10.4 for a "Basic Time Line" of the Court Hearing dates and requirements).

IF THE COURT DETERMINES THAT REASONABLE EFFORTS DO NOT NEED TO BE MADE TO REUNITE THE CHILD WITH THE PARENT AT A HEARING OTHER THAN A PERMANENCY PLANNING HEARING, A PERMANENCY PLANNING HEARING MUST BE HELD WITHIN 30 DAYS OF THAT DETERMINATION.

ADMINISTRATIVE PANEL REVIEWS: FEDERAL LAW REQUIRES REVIEWS EVERY SIX MONTHS. THESE MAY BE COURT REVIEWS OR A COURT

REVIEW ALTERNATING WITH AN ADMINISTRATIVE PANEL REVIEWS (APRs). PANEL REVIEWS ARE NOT COURT HEARINGS, BUT AGENCY REVIEWS HELD INSTEAD OF COURT REVIEWS FOR CHILDREN WHO HAVE A PERMANENT GOAL. THEY ARE HELD WITHIN SIX MONTHS OF THE PERMANENCY PLANNING HEARING WHERE A PERMANENCY GOAL IS APPROVED AND YEARLY THEREAFTER, ALTERNATING WITH COURT REVIEWS AS APPROPRIATE.

LOCAL SUPERVISORY REVIEWS: THESE ARE REVIEWS FOR CHILDREN AGE 18 AND OVER WHO ARE IN FOSTER CARE. COURT HEARINGS ARE NOT REQUIRED FOR THESE CHILDREN. THESE REVIEWS ARE HELD EVERY SIX MONTHS.

10.2.2 PARENTAL ATTENDANCE AT COURT HEARINGS

PARENTS ARE TO BE PROVIDED NOTICE OF EACH HEARING BY THE COURT. AT EACH HEARING, THEY WILL BE GIVEN NOTICE OF THE NEXT HEARING. IF THEY ARE NOT PRESENT, THEY SHALL BE SUMMONED TO THE NEXT HEARING. IF THEY HAVE BEEN GIVEN PROPER NOTICE, OR THE COURT DETERMINES THEY CANNOT BE FOUND AFTER REASONABLE EFFORT, THE HEARING MAY BE HELD WITHOUT PARENTS PRESENT. The intent of this requirement is to encourage parental attendance at all hearings. Exception: Parents whose rights have been terminated do not receive notice.

FOSTER PARENTS AND PRE-ADOPTIVE PARENTS ARE TO BE NOTIFIED OF EVERY HEARING. THEIR NAMES SHOULD BE INCLUDED ON THE FOSTER CARE SERVICE PLAN TRANSMITTAL SUBMITTED TO THE COURT.

10.2.3 SCHEDULING OF COURT HEARINGS

AT EACH COURT HEARING, THE COURT SHALL SCHEDULE ON THE DOCKET THE NEXT COURT HEARING. THE COURT WILL ALSO PROVIDE NOTICE TO THOSE PRESENT WHO NEED TO ATTEND THE NEXT HEARING. If the court establishes the next court date on the docket, the agency will not have to ask the court to set a court date.

10.2.4 COMPLETING THE FOSTER CARE SERVICE PLAN REVIEW FORM

Prior to the Foster Care Review Hearing, the Permanency Planning Hearing, or the Administrative Panel Review, the worker should reassess the progress that has been made toward meeting the goal in the service plan. The worker should record the results of that reassessment on the Service Plan Review Form or other form developed in accordance with the requirements below. The review form provides a description of what has happened in the case since the service plan was developed.

Input from the birth family or prior custodian, foster parents, or other providers, and when appropriate, the child, should be sought in completing this reassessment.

The Service Plan Review Form must be signed by the worker and supervisor, and includes:

- The services which were offered to the child and family to meet the needs identified in the last service plan;
- The appropriateness of services, and the barriers to goal achievement, including:
 - An identification of resources that are needed by the family that are not available in the community; and
 - A discussion of the effectiveness of the services provided;
- Any changes in the service plan, such as changes in services, placement, or visitation;
- THE REASONS FOR RETAINING THE CHILD IN CARE, INCLUDING EFFORTS TO RETURN THE CHILD HOME, AND WHEN APPROPRIATE, AN ASSESSMENT OF THE RISK TO THE CHILD SHOULD THE CHILD RETURN HOME OR BE PLACED WITH RELATIVES;
- The birth family's or prior custodian's current situation;
- The frequency, duration, location, and results of any visitation;
- Information about the child's relationship with the birth family, including relatives;
- Information regarding the child's current relationship with siblings and, if siblings are not placed together, services being provided to achieve reunification and maintain contact among siblings;
- Pertinent information about birth, medical and developmental history of the child, if not available in prior assessments;
- INFORMATION ON CURRENT HEALTH AND PHYSICAL DEVELOPMENT AND RECOMMENDATIONS FOR ANY NECESSARY FOLLOW-UP TREATMENT OR FURTHER CHECKUP WITH SPECIALISTS;
- Current information on psychological, social and educational functioning with specific descriptions and recommendations regarding peer relationships, coping mechanisms, learning disabilities, emotional symptoms or behavior problems. THE REVIEW MUST ADDRESS THE CURRENT EDUCATIONAL STATUS OF THE CHILD;
- Information from the foster parents or other providers about the child's adjustment to foster care and the child's current level of social and emotional functioning. Information about the child's relationship with the foster parents or other providers to assess the degree of attachment with the child.

- ANY CHANGES IN IDENTIFIED NEEDS AND SERVICES TO BE PROVIDED DURING THE NEXT SIX MONTHS FOR CHILDREN AND THEIR FAMILIES; and
- A statement that parents with residual parental rights or prior custodians have been notified in writing of any change in placement, visitation privileges, and provided 10 days advance notice of the panel review.

10.2.5 FIRST FOSTER CARE REVIEW HEARING

10.2.5.1 THE PURPOSE OF THE FIRST FOSTER CARE REVIEW HEARING IS TO REVIEW THE PROGRESS MADE ON THE INITIAL FOSTER CARE SERVICE PLAN OR MAKE CHANGES IN THE PLAN PURSUANT TO §16.1-282.

10.2.5.2 THE FIRST FOSTER CARE REVIEW HEARING IS SCHEDULED TO BE HELD WITHIN SIX MONTHS AFTER THE 75-DAY HEARING OR THE HEARING AT WHICH THE FOSTER CARE PLAN IS INITIALLY REVIEWED.

10.2.5.3 THIRTY (30) DAYS PRIOR TO THE SCHEDULED HEARING, THE AGENCY WILL SUBMIT TO THE COURT:

A PETITION FOR A FOSTER CARE REVIEW HEARING

A FOSTER CARE SERVICE PLAN REVIEW FORM WHICH SHALL INCLUDE ANY UPDATES TO THE INITIAL FOSTER CARE SERVICE PLAN; AND

A FOSTER CARE SERVICE PLAN TRANSMITTAL LISTING INDIVIDUALS WHO SHOULD RECEIVE A COPY OF THE PETITION AND/OR BE NOTIFIED OF THE HEARING. THESE INCLUDE THE CHILD, IF AGE 12 OR OVER, THE PARENTS, GUARDIAN, OR PRIOR CUSTODIAN, THE GUARDIAN AD LITEM, THE FOSTER PARENTS, THE AGENCY AND ANY OTHER INTERESTED PARTIES THE COURT DIRECTS. A NEW FOSTER CARE PLAN IS NOT REQUIRED UNLESS THE GOAL CHANGES.

10.2.5.4 THE COURT WILL REVIEW PROGRESS TOWARD MEETING THE FOSTER CARE GOAL, APPROVE CHANGES TO THE PLAN, ENTER ANY APPROPRIATE ORDERS, AND DETERMINE WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO RETURN THE CHILD HOME IF THAT IS THE GOAL OR TO FINALIZE ANOTHER PERMANENT PLACEMENT.

THE SERVICE WORKER MUST VERIFY THAT THE JUDGE HAS CORRECTLY CHECKED THE BOX THAT INDICATES REASONABLE EFFORTS HAVE BEEN MADE.

10.2.6 PERMANENCY PLANNING HEARING (§16.1-281.1), ADOPTIONS AND SAFE FAMILIES ACT OF 1997

- 10.2.6.1 The purpose of this hearing is to ESTABLISH A PERMANENT GOAL FOR A CHILD AND EITHER TO ACHIEVE THE PERMANENT GOAL OR TO DEFER SUCH ACTION THROUGH THE APPROVAL OF AN INTERIM PLAN FOR THE CHILD. Due to the requirements of the Adoptions and Safe Families Act of 1997, agencies need to follow the requirements for the Permanency Planning Hearing carefully.
- 10.2.6.2 THIS HEARING SHOULD BE SCHEDULED AT THE PREVIOUS FOSTER CARE REVIEW HEARING. THE FIRST PERMANENCY PLANNING HEARING MUST OCCUR WITHIN FIVE MONTHS OF THE FOSTER CARE REVIEW HEARING AND WITHIN 14 MONTHS OF THE DATE OF PLACEMENT.
- 10.2.6.3 THIRTY DAYS PRIOR TO THE HEARING, SUBMIT TO COURT:
- A PERMANENCY PLANNING HEARING PETITION. THE AGENCY SHALL PETITION THE COURT TO TAKE ONE OF THE FOLLOWING ACTIONS:
- RETURN CUSTODY TO PARENTS OR PRIOR CUSTODIANS.
 - TRANSFER CUSTODY TO RELATIVES
 - DISSOLVE THE NON-CUSTODIAL AGREEMENT AND RETURN THE CHILD HOME.
 - TERMINATE PARENTAL RESIDUAL RIGHTS PURSUANT TO §16.1-283. THE AGENCY MUST FILE A SERVICE PLAN CHANGING THE GOAL TO ADOPTION.
 - PLACE THE CHILD IN PERMANENT FOSTER CARE. THE AGENCY MUST IDENTIFY THE PERMANENT FOSTER PARENTS.
 - APPROVE THE GOAL OF INDEPENDENT LIVING FOR A CHILD 16 AND OVER IF OTHER GOALS ARE NOT APPROPRIATE. THE AGENCY MUST FILE A SERVICE PLAN, WHICH INCLUDES A TRANSITION PLAN.
 - APPROVE THE GOAL OF ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT.
 - CONTINUE CUSTODY WITH THE AGENCY, OR
 - TRANSFER CUSTODY TO THE AGENCY OF A CHILD IN NON-CUSTODIAL FOSTER CARE.

A FOSTER CARE SERVICE PLAN TRANSMITTAL FORM WITH THE NAMES AND ADDRESSES OF INDIVIDUALS WHO SHOULD RECEIVE THE FOSTER CARE SERVICE PLAN AND/OR BE NOTIFIED OF THE HEARING. THESE INCLUDE THE CHILD, IF AGE 12 AND OVER; THE GUARDIAN AD LITEM; CHILD'S PARENTS OR PRIOR CUSTODIAN; PARENTS' ATTORNEY, FOSTER PARENTS; PRE-ADOPTIVE PARENTS, THE AGENCY; AND OTHER INTERESTED PARTIES THE COURT DIRECTS, SUCH AS ATTORNEYS FOR DSS, OR CASA.

A NEW FOSTER CARE SERVICE PLAN REVIEW FORM.

A NEW FOSTER CARE SERVICE PLAN. THE PLAN SUBMITTED AT THE PERMANENCY PLANNING HEARING MUST ADDRESS ADDITIONAL ISSUES RELATED TO ACHIEVING PERMANENCY FOR THE CHILD WHEN A CHILD CONTINUES IN FOSTER CARE. THEY ARE AS FOLLOWS:

- IF THE AGENCY DECIDES THAT IT IS IN THE BEST INTERESTS OF THE CHILD TO ASK FOR CONTINUED CUSTODY AND THE GOALS ARE RETURN HOME, PLACEMENT WITH RELATIVES, OR CONTINUED FOSTER CARE, THE AGENCY MUST DESCRIBE IN THE SERVICE PLAN HOW THE AGENCY INTENDS TO ACCOMPLISH THE GOALS OF RETURN HOME OR PLACEMENT WITH RELATIVES IN THE NEXT SIX MONTHS. IF THE GOAL IS CONTINUED FOSTER CARE, THE AGENCY MUST IDENTIFY A NEW GOAL AND DESCRIBE HOW IT WILL ACHIEVE THAT GOAL IN THE NEXT SIX MONTHS; AND
- THE AGENCY MUST EXPLAIN IN THE FOSTER CARE SERVICE PLAN PART B WHY THE CHILD COULD NOT BE RETURNED HOME, PLACED WITH RELATIVES, OR IF THE GOAL IS CONTINUED FOSTER CARE, ACHIEVE ANY OTHER PERMANENT GOAL AT THIS TIME.
- IF THE AGENCY PETITIONS THE COURT TO TRANSFER CUSTODY TO PARENTS, PRIOR CUSTODIANS OR RELATIVES, THE AGENCY DOES NOT HAVE TO SUBMIT A NEW FOSTER CARE SERVICE PLAN TO THE COURT AT THE PERMANENCY HEARING. IT WILL DESCRIBE THE REUNIFICATION SERVICES THAT WILL BE PROVIDED TO THE FAMILY IN THE FOSTER CARE SERVICE PLAN REVIEW FORM. IF THE COURT DOES NOT APPROVE THE TRANSFER OF CUSTODY, THE AGENCY WILL NEED TO DEVELOP A NEW FOSTER CARE SERVICE PLAN IDENTIFYING HOW IT WILL ACHIEVE THE GOAL FOR THE CHILD IN THE NEXT SIX MONTHS.
- THE AGENCY MUST DETERMINE WHETHER IT WILL PETITION FOR TERMINATION OF PARENTAL RIGHTS. IF THE AGENCY DETERMINES IT WILL NOT PETITION FOR TERMINATION OF PARENTAL RIGHTS AT THE PERMANENCY PLANNING

HEARING, IT MUST DOCUMENT IN THE FOSTER CARE SERVICE PLAN OR THE PERMANENCY PLAN (PART B) ONE OF THE FOLLOWING EXCEPTIONS:

- TERMINATION OF PARENTAL RIGHTS IS NOT IN THE BEST INTERESTS OF THE CHILD. THE LAW REQUIRES THAT THE AGENCY DOCUMENT A COMPELLING REASON EXPLAINING WHY TERMINATION IS NOT IN THE BEST INTERESTS OF THE CHILD,
- THE CHILD IS BEING CARED FOR BY A RELATIVE, OR
- THE AGENCY HAS NOT PROVIDED SERVICES TO THE PARENTS DEEMED NECESSARY FOR THE SAFE RETURN OF THE CHILD.

Examples of compelling reasons for not petitioning for termination of parental rights would include a youth not wishing to be adopted after a thorough discussion of adoption, a child in a long-term permanent foster care home where the foster parents do not wish to adopt, a plan to return the child to a parent or place with relative which needs additional time to achieve, or lack of grounds for termination. See Section 9.5.5.10.

IF THE AGENCY DETERMINES IT WILL PETITION FOR TERMINATION OF PARENTAL RIGHTS, IT MUST:

- FILE A PETITION WHICH STATES TERMINATION OF PARENTAL RIGHTS IS IN THE BEST INTERESTS OF THE CHILD.
- FILE A SERVICE PLAN WITH THE GOAL OF ADOPTION.
- FILE PETITION(S) FOR TERMINATION OF PARENTAL RIGHTS IF IT IS READY TO DO SO. IF THE AGENCY DOES NOT PETITION AT THAT HEARING, IT SHOULD PETITION WITHIN 30 DAYS OF THE HEARING TO ASSURE THAT FEDERAL REQUIREMENTS ARE MET. FEDERAL LAW REQUIRES THAT THE AGENCY PETITION FOR TPR BY THE END OF THE 15TH MONTH OF PLACEMENT FOR CHILDREN ADJUDICATED ABUSED AND NEGLECTED, WHO HAVE BEEN IN CARE 15 OF THE LAST 22 MONTHS AND BY THE END OF THE 15TH MONTH OF PLACEMENT FOR ALL OTHER CHILDREN WHO HAVE BEEN IN CARE 15 OUT OF THE LAST 22 MONTHS UNLESS AN EXCEPTION CITED ABOVE EXISTS. While this provision is not in state statute, it is a requirement of federal law, which Virginia has chosen to implement procedurally.

IF THE COURT DOES NOT APPROVE THE AGENCY'S REQUEST TO CHANGE THE GOAL TO ADOPTION OR SEEK TERMINATION OF PARENTAL RIGHTS, THE AGENCY WILL NOT BE REQUIRED TO PETITION FOR TPR SINCE THE COURT HAD DETERMINED THAT

ANOTHER COURSE OF ACTION IS IN THE BEST INTERESTS OF THE CHILD.

10.2.6.4 THE COURT WILL ORDER ONE OF THE FOLLOWING PERMANENCY ACTIONS, DOCUMENTING ITS FINDINGS ON THE PERMANENCY PLAN ORDER:

- APPROVE THE AGENCY PLAN FOR THE CHILD, WHICH TRANSFERS CUSTODY TO PARENTS, PRIOR CUSTODIANS, OR RELATIVES;
- CHANGE THE GOAL TO ADOPTION AND BEGIN THE TERMINATION OF PARENTAL RIGHTS PROCESS;
- ORDER THE AGENCY TO PROVIDE THE CHILD INDEPENDENT LIVING SERVICES; OR
- PLACE THE CHILD IN PERMANENT FOSTER CARE.
- APPROVE THE GOAL OF "ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT".
- HEARINGS MAY END FOR CHILDREN WHOSE CUSTODY IS TRANSFERRED TO PARENTS, PRIOR CUSTODIANS, OR RELATIVES.
- IN ALL CASES, THE COURT WILL SCHEDULE THE NEXT FOSTER CARE REVIEW TO OCCUR WITHIN ONE YEAR AND PROVIDE NOTICE TO ALL PRESENT; OR
- APPROVE CONTINUED CUSTODY OR PLACEMENT WITH THE GOAL OF RETURN HOME. THE COURT MUST DETERMINE THAT THE PARENT(S) ARE MAKING PROGRESS, HAVE MAINTAINED A CLOSE RELATIONSHIP WITH THE CHILD, THE CHILD IS LIKELY TO RETURN HOME IN THE NEAR FUTURE, AND THE AGENCY IS MAKING REASONABLE EFFORTS TO RETURN THE CHILD HOME. THE COURT MUST MAKE A JUDICIAL DETERMINATION THAT REASONABLE EFFORTS ARE BEING MADE AND DOCUMENT THIS IN THE COURT ORDER. THE COURT WILL SCHEDULE A SECOND PERMANENCY PLANNING HEARING TO OCCUR WITHIN SIX MONTHS; OR
- APPROVE CONTINUED CUSTODY WITH THE AGENCY AND THE PLAN TO ACHIEVE ANOTHER PERMANENT GOAL WITHIN SIX MONTHS. THE COURT MUST DETERMINE THAT REASONABLE EFFORTS TO ACHIEVE A PERMANENCY PLAN ARE BEING MADE, BUT IT IS PREMATURE TO TRANSFER CUSTODY OR ACHIEVE A PERMANENT GOAL FOR THE CHILD AT THIS TIME. THE COURT WILL SCHEDULE A SECOND PERMANENCY PLANNING HEARING TO BE HELD WITHIN SIX MONTHS; OR

- APPROVE “ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT”, AND SCHEDULE A FOSTER CARE REVIEW HEARING TO BE HELD WITHIN SIX MONTHS TO REVIEW THE CHILD’S PLACEMENT. THE COURT SHALL REVIEW A FOSTER CARE PLAN FOR ANY CHILD WHO IS PLACED IN ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT EVERY SIX MONTHS FROM THE DATE OF THE PERMANENCY PLANNING HEARING. THESE SIX-MONTH REVIEWS MUST CONTINUE AS LONG AS THE CHILD CONTINUES TO HAVE A SEVERE DISABLING CONDITION FOR WHICH THE CHILD REQUIRES RESIDENTIAL TREATMENT AND REMAINS IN THE LEGAL CUSTODY OR PLACEMENT AUTHORITY OF THE AGENCY. (§16.1-282.1) THE COURT ORDER MUST DOCUMENT THAT REASONABLE EFFORTS TO ACHIEVE A PERMANENCY PLAN ARE BEING MADE.

DOCUMENTATION IN OASIS: PERMANENCY PLANNING HEARINGS MUST BE DOCUMENTED ON THE COURT/HEARING DETAILS SCREEN, AND THE HEARING DETAIL RESULTS SCREEN.

10.2.7 SUBSEQUENT PERMANENCY PLANNING HEARING

THIS HEARING WILL OCCUR WITHIN SIX MONTHS OF THE FIRST PERMANENCY PLANNING HEARING SHOULD A PERMANENCY GOAL OR PLAN NOT BE ACHIEVED BY THE FIRST PERMANENCY PLANNING HEARING. A SECOND PERMANENCY PLANNING HEARING OCCURS WHEN THE COURT APPROVES THE GOAL OF RETURN HOME, PLACEMENT WITH RELATIVES, OR CONTINUED FOSTER CARE. THE SAME REQUIREMENTS APPLY TO THIS HEARING AS APPLY TO THE FIRST PERMANENCY PLANNING HEARING. THE COURT ORDER MUST DOCUMENT THAT REASONABLE EFFORTS ARE BEING MADE TO RETURN THE CHILD HOME OR ACHIEVE ANOTHER PERMANENCY PLAN.

10.2.8 FOSTER CARE REVIEW HEARINGS AFTER A PERMANENCY GOAL IS APPROVED

- 10.2.8.1 THE PURPOSE OF THESE FOSTER CARE REVIEW HEARINGS IS TO REVIEW PROGRESS IN CASES WHERE THE PERMANENCY GOALS OF REUNIFICATION, PLACEMENT WITH RELATIVES, ADOPTION, PERMANENT FOSTER CARE, INDEPENDENT LIVING, OR “ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT” HAVE BEEN APPROVED.
- 10.2.8.2 WHERE THE GOALS OF REUNIFICATION, PLACEMENT WITH RELATIVES, ADOPTION, OR INDEPENDENT LIVING ARE APPROVED, THE FOSTER CARE REVIEW HEARINGS ARE HELD ANNUALLY AFTER THE PERMANENCY PLANNING HEARING. ADMINISTRATIVE PANEL REVIEWS ARE HELD AT SIX-MONTH INTERVALS BETWEEN THESE YEARLY COURT REVIEWS. THESE

COURT HEARINGS ARE DISCONTINUED ONCE THE FINAL ORDER OF ADOPTION IS ISSUED OR THE CHILD TURNS AGE 18. (Where the goal of permanent foster care has been approved, see section 10.3 regarding annual foster care review hearings).

- 10.2.8.3 WHERE THE GOAL OF "ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT" IS APPROVED, FOSTER CARE REVIEW HEARINGS ARE HELD EVERY SIX MONTHS.
- 10.2.8.4 THIRTY DAYS PRIOR TO A SCHEDULED HEARING, THE AGENCY SUBMITS A PETITION FOR FOSTER CARE REVIEW, AN ADOPTION PROGRESS REPORT IF THE GOAL IS ADOPTION, THE FOSTER CARE SERVICE PLAN TRANSMITTAL, SERVICE PLAN REVIEW FORM, AND NEW FOSTER CARE SERVICE PLAN IF THERE IS A CHANGE IN GOAL.
- 10.2.8.5 THE COURT REVIEWS PROGRESS IN THE CASE, APPROVES THE FOSTER CARE SERVICE PLAN, AND ENTERS APPROPRIATE ORDERS DOCUMENTING FINDINGS ON REASONABLE EFFORTS TO ACHIEVE A PERMANENCY PLAN.

10.3 Permanent Foster Care And Reviews

ONCE CHILDREN ARE PLACED IN A COURT APPROVED PERMANENT FOSTER CARE PLACEMENT WITH A PERMANENT FOSTER FAMILY NAMED IN THE COURT ORDER, THEY ARE TO HAVE ANNUAL FOSTER CARE REVIEW HEARINGS SCHEDULED AT THE CONCLUSION OF THE HEARING WHERE THE PERMANENT FOSTER CARE ORDER WAS ENTERED (§16.1-282.2). ANNUAL COURT REVIEWS ARE INTENDED TO ALLOW THE COURT TO CONSIDER THE APPROPRIATENESS OF THE SERVICES PROVIDED AND CHANGES IN CIRCUMSTANCES THAT LED TO THE COURT PLACING THE CHILD IN PERMANENT FOSTER CARE. (See 10.2.8.1; 10.2.8.2; and 10.2.8.4).

PERMANENT FOSTER CARE CASES ARE SUBJECT TO ADMINISTRATIVE PANEL REVIEWS WHICH ARE TO OCCUR EVERY SIX MONTHS, BETWEEN THE ANNUAL JUDICIAL REVIEWS.

10.4 Basic Time Line

TIMING	STATUTE	HEARING TYPE	FORMS
Immediately	§16.1-251 §16.1-253	Emergency Removal Order (ERO)	Petition DC – 511 Emergency Removal Order DC-526 Preliminary Child Protective Order, if necessary, DC-527
Within 5 Days	§16.1-252 §16.1-253	Preliminary Removal Order (PRO) & Adjudication	Petition DC – 511 Preliminary Removal Order DC – 528 Preliminary Child Protective Order, if necessary, DC - 527
Within 30 Days	§16.1-252 §16.1-253	Adjudication, only if no adjudication at PRO	Petition DC - 511
Within 60 Days	§16.1-281	Submission of Foster Care Service Plan. No court hearing at this time	Foster Care Service Plan
Within 75 Days of Preliminary Removal Order Hearing	§16.1-277.01 §16.1-277.02 §16.1-278.2 §16.1-278.3 §16.1-281	Disposition – Initial Foster Care Service Plan Reviewed	Child protective Order DC-532 Foster Care Plan Transmittal DC - 552 Foster Care Service Plan Part A Permanency Plan Part B, if initial goal is not return home Dispositional Order for Petition DC – 553
Within 6 months of Disposition	§16.1-282.1	Foster Care Review Hearing	Petition for Foster Care Review Hearing DC – 554 Foster Care Service Plan Transmittal DC – 552 Foster Care Service Plan Review Foster Care Review Order DC - 555
Within 5 months of Foster Care Review Hearing	§16.1-282.1 §16.1-283	Initial Permanency Planning Hearing	Petition for Permanency Planning Hearing DC – 556 Foster Care Service Plan Transmittal DC – 552 New Foster Care Service Plan Part A Permanency Plan Part B Foster Care Service Plan Review Permanency Planning Order DC – 557

TIMING	STATUTE	HEARING TYPE	FORMS
Within 6 months of Initial Permanency Planning Hearing or Second Permanency Planning Hearing	§16.1-282.1	Subsequent Permanency Planning Hearing for goals of Return Home, Placement with Relatives, or Continued Foster Care (If interim plan approved at Initial PPH)	Petition for Permanency Planning Hearing DC – 556 Foster Care Service Plan Transmittal New Foster Care Service Plan Part A Permanency Plan Part B Foster Care Service Plan Review Permanency Planning Order DC – 557
Within 6 months of Second Permanency Planning Hearing and every 12 months thereafter		Administrative Review	Foster Care Service Plan Review Form Administrative Panel Review Form
6 months from date of approval of Another Planned Permanent Living Arrangement (APPLA)	§16.282.1	Foster Care Review Hearing	Petition for Foster Care Review DC – 554 Foster Care Review Order DC – 555 Foster Care Service Plan Transmittal DC – 552 Foster Care Service Plan Review Foster Care Review Order DC - 555
or 12 months from last Permanency Planning Hearing for Adoption prior to final order, Permanent Foster Care or Independent Living		Foster Care Review Hearing	
Filed every 6 months From the date of final order terminating parental rights		Adoption Progress Report Filed until final order of adoption is issued; the court may not hold a hearing	Adoption Progress Report (DSS Form)

10.5 The Adoption Progress Report

IF PARENTAL RIGHTS HAVE BEEN TERMINATED AND THE GOAL FOR THE CHILD IS ADOPTION, THE AGENCY MUST SUBMIT THE ADOPTION PROGRESS REPORT TO THE COURT DOCUMENTING PROGRESS TOWARD ADOPTION WITHIN SIX MONTHS OF TERMINATION OF PARENTAL RIGHTS. THE COURT HAS THE OPTION TO SCHEDULE A HEARING TO REVIEW THIS REPORT. THE COURT WILL HOLD ANNUAL FOSTER CARE REVIEW HEARINGS AFTER TERMINATION OF PARENTAL RIGHTS UNTIL THE FINAL ORDER OF ADOPTION IS ISSUED. THE COURT ORDER MUST DOCUMENT REASONABLE EFFORTS TO FINALIZE A PERMANENCY PLAN. THE AGENCY MUST CONTINUE TO SUBMIT THE ADOPTION PROGRESS REPORT EVERY SIX MONTHS TO THE COURT UNTIL THE ADOPTION IS FINALIZED.

THE COURT WILL PROVIDE A COPY OF THE ADOPTION PROGRESS REPORT TO THE GUARDIAN AD LITEM FOR THE CHILD.

THE AGENCY MUST SEND COPIES OF COMPLETED ADOPTION PROGRESS REPORTS TO THE FOSTER CARE AND ADOPTION FAMILY SPECIALIST.

The adoption progress report is completed in the adoption case for those children who have an adoption placement agreement until their adoption has been finalized. The service worker should notify the court when the adoption is finalized.

10.6 Administrative Panel Reviews

AN ADMINISTRATIVE PANEL REVIEW (APR) WILL BE HELD SIX MONTHS AFTER A PERMANENCY PLANNING HEARING WHEN THE GOALS OF ADOPTION, PERMANENT FOSTER CARE OR INDEPENDENT LIVING HAVE BEEN APPROVED BY THE COURT. THE CHILD WILL CONTINUE TO HAVE ADMINISTRATIVE PANEL REVIEWS ALTERNATING WITH ANNUAL FOSTER CARE REVIEW HEARINGS UNTIL A FINAL ORDER OF ADOPTION IS ISSUED OR THE CHILD REACHES AGE 18.

10.6.1 COMPOSITION OF THE REVIEW PANEL

THE ADMINISTRATIVE REVIEW SHALL BE CONDUCTED BY A PANEL OF APPROPRIATE PERSONS AT LEAST ONE OF WHOM IS NOT RESPONSIBLE FOR THE CASE MANAGEMENT OR DELIVERY OF SERVICES TO EITHER THE CHILD OR THE PARENT(S).

Outside objective panel members participating in the review may be (but are not limited to) court service workers, private citizens, staff of other services agencies, multi-discipline team members, other agency workers, FAPT team members or placement providers not involved in case being reviewed.

CONFIDENTIALITY OF CASE RECORDS MUST BE MAINTAINED. ALL OBJECTIVE PANEL MEMBERS IN THE REVIEW SHALL SIGN A STATEMENT THAT THEY WILL OBSERVE ALL RULES OF CONFIDENTIALITY. Child

protective services records are not to be attached to the plan being reviewed. This information should be summarized in the service plan or service summary.

Parents, children, the child's foster parent(s), attorneys or friends of parents are not members of the panel. They are present to provide input.

THE FAMILY ASSESSMENT AND PLANNING TEAM (FAPT) STAFFING MAY SUBSTITUTE FOR AN ADMINISTRATIVE PANEL REVIEW AS LONG AS THE REQUIREMENTS FOR AN ADMINISTRATIVE PANEL REVIEW ARE MET.

10.6.2 NOTICE THAT MUST BE PROVIDED FOR THE APR

ALL PARENTS WITH RESIDUAL PARENTAL RIGHTS SHALL BE GIVEN A WRITTEN INVITATION TO THE REVIEW AT LEAST 10 DAYS IN ADVANCE. ALL EFFORTS MUST BE MADE TO SECURE THEIR PARTICIPATION AND ACTIVE INVOLVEMENT.

THE CHILD'S FOSTER PARENT(S) OR OTHER PLACEMENT PROVIDERS ARE TO BE INVITED TO PARTICIPATE AT THE PANEL REVIEW.

10.6.3 THE RESULTS OF THE APR

The function of the panel is advisory. Recommendations made by the panel are to be considered in planning services for the child. At the review, the panel must address and make recommendations when needed concerning the following:

- Appropriateness of the services provided during the preceding six months;
- Appropriateness of the child's current placement;
- Extent of the agency's, parent(s)', child's, and foster care provider's compliance with the service plan;
- Any barriers to goal achievement, including the birth family's/prior custodian's current situation and results of visitation between the child and parent(s) or prior custodians and child and siblings, if appropriate;
- Appropriateness of the program goal for the child and of the date for goal achievement; and
- Continuing need for placement.

The findings of the panel and any recommendations made by the panel, including changes to the service plan, must be recorded on the Administrative Panel Review Form in OASIS.

The birth parent(s)/prior custodians, foster parents, or other providers not in attendance should be mailed a copy of the completed Foster Care Review Form.

10.6.4 HEARINGS THAT SUBSTITUTE FOR AN APR

A FOSTER CARE REVIEW OR PERMANENCY PLANNING HEARING MAY SUBSTITUTE FOR THE APR. ANOTHER COURT HEARING MAY SUBSTITUTE FOR AN ADMINISTRATIVE PANEL REVIEW IF:

- THE PARENTS ARE NOTIFIED OF THE HEARING.
- The Foster Care Service Plan Review Form is completed and includes:
 - The date the hearing was held; and
 - A check in the box that indicates a hearing was held in lieu of a panel review.
- The court makes a determination in regard to:
 - The continuing need for and appropriateness of the placement.
 - The extent of compliance with the case plan.
 - The extent of progress which has been made toward alleviating the conditions which brought the child into care.
 - The court order will serve as documentation of the APR in this situation and no additional forms are required.
- The foster care supervisor signs the administrative panel review form.

10.7 Local Supervisory Reviews

A local supervisory review is required every six months for children placed in their own homes, but still in the custody of the department and for youth ages 18-21.

When a child returns home after being in a foster care placement and remains in the custody of the agency, the supervisory review should be scheduled six months from the last Administrative Panel Review.

The Foster Care Service Plan Review Form is to be used for the local supervisory review. A new Review Form must be completed each time a review is held. The supervisor must sign the review.

10.8 Exceptions To Required Reviews

10.8.1 HEARINGS WHEN CASES ARE ON APPEAL

WHEN A CASE IS ON APPEAL FOR TPR, THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT RETAINS JURISDICTION ON ALL MATTERS

NOT ON APPEAL AND MUST CONTINUE TO HOLD REVIEWS. THE APPEAL HEARING MAY SUBSTITUTE FOR A REVIEW HEARING IF THE APPEAL COURT ADJUDICATES THE FUTURE STATUS OF THE CHILD.

10.8.2 CHILDREN COMMITTED TO THE DEPARTMENT OF JUVENILE JUSTICE

CHILDREN FORMERLY IN LOCAL AGENCY CUSTODY WHO HAVE BEEN COMMITTED TO THE DEPARTMENT OF JUVENILE JUSTICE ARE NOT SUBJECT TO ADMINISTRATIVE PANEL REVIEWS OR COURT REVIEW HEARINGS DURING THEIR COMMITMENT.

CHILDREN COMMITTED TO JUVENILE JUSTICE WHO RETURN TO FOSTER CARE ARE SUBJECT TO PANEL REVIEWS AND THE APPROPRIATE COURT REVIEW HEARING, IF PLACED OUTSIDE OF THEIR HOME IN FOSTER CARE. WHEN THE CHILD RETURNS TO FOSTER CARE, THE SCHEDULING OF PANEL REVIEWS AND FOSTER CARE REVIEW HEARINGS RESUMES IN ACCORDANCE WITH THE ORIGINAL SCHEDULE. A NEW SERVICE PLAN SHOULD BE FILED WITHIN 60 DAYS OR EARLIER IF NECESSARY TO RESUME THE ORIGINAL SCHEDULE.

10.9 Developing The Plan When The Goal Is Changed To Adoption

AT THE PERMANENCY PLANNING HEARING, OR AT ANY OTHER HEARING THAT RESULTS IN THE DECISION TO CHANGE THE CHILD'S GOAL TO ADOPTION, THE AGENCY SHALL FILE A PETITION WITH THE COURT 30 DAYS PRIOR TO THE HEARING TO TERMINATE PARENTAL RIGHTS, ALONG WITH THE FOSTER CARE SERVICE PLAN.

10.9.1 INFORMATION NEEDED

When the goal of adoption is selected, consultation between the foster care and adoption staff must occur. Additional information may need to be gathered. This information is critical as it will serve as a basis for identifying adoption services, will be used in the selection of an appropriate adoptive home, and will be the only information available to the child after adoption about the child's birth family and background. If any of this information is missing from the foster care record, one of the services that must be identified on the new plan will be to obtain the missing information. The additional information that may need to be gathered includes:

- Detailed information about birth, medical and developmental history of the child and family, including genetic information;
- Current information on health, developmental and educational functioning of the child; and recommendations for any necessary follow-up treatment or further check-ups with specialists. If medicals have not been done in the last 12 months, the adoptive placement plan must reflect that these will be obtained once termination of parental rights has been achieved;

- Information from foster parents about the child's attitudes, habits, and daily routines, their methods of discipline and pertinent observations as to the child's reactions and relationships in their home, likes and dislikes, nicknames, and favorite toys;
- Information regarding whether the siblings are presently together in foster care, and the relationships of the siblings to each other;
- Information about the child's relationship with the birth family, including extended relatives and an assessment of the impact of termination of parental rights on the child and family; and
- Information about the child's relationship with the foster parents to assess the level of bonding to determine whether the foster parents should be considered as an adoptive resource for the child.

10.9.2 FOSTER CARE PLAN CHANGE TO ADOPTION

THE FOSTER CARE PLAN REQUESTING A CHANGE TO THE GOAL OF ADOPTION SHALL INCLUDE:

- A STATEMENT AND DOCUMENTATION THAT THE GOAL OF ADOPTION IS IN THE BEST INTEREST OF THE CHILD; this is put in Part B or a separate section of the Foster Care Service Plan.
- THE REASONS FOR SELECTING THE GOAL OF ADOPTION; this is put in Part B or a separate section of the Foster Care Service Plan (Part A).
- Ongoing services that will be provided to the child, birth parents, and the foster parents. This is put on the Foster Care Service Plan.
- THE RESPONSIBILITIES OF THE PARENTS OR PRIOR CUSTODIAN INCLUDED IN THE PRIOR ASSESSMENT AND SERVICE PLAN AND WHETHER THEY HAVE OR HAVE NOT MET THEM; This is put in Part B or a separate section of the Foster Care Service Plan. These responsibilities must correspond with the responsibilities identified in the initial or any updated Foster Care Service Plan.
- THE SPECIFIC ACTION PLANNED TO IDENTIFY AND SELECT AN ADOPTIVE FAMILY AND THE SPECIFIC SERVICES TO BE PROVIDED TO PREPARE THE CHILD FOR AN ADOPTIVE FAMILY. These services are put in the Foster Care Service Plan and include:
 - Services to build trust with the worker who will make the placement.
 - Services to gather all medical, psychological, social and family background information for the child's permanent adoption record.
 - Services to help the child deal with the past and be committed to an adoptive placement.

- Pre-placement services and activities with adoptive parents.
- Services to meet the child's needs while in foster care waiting for adoptive placement.
- Registration with AREVA or other adoption exchanges as well as other recruitment efforts (Refer to Vol. VII, Section III, Chapter C, Section 7 for information about AREVA and registering children in AREVA).
- Assessment of the child's special needs for purposes of subsidy.
- Services for the birth parents including, but not limited to:
 - Services to help them separate from the child and support an adoptive placement.
 - Services to help parents deal with their loss, guilt, and other feelings related to the child.
- Services for the foster parent including, but not limited to:
 - Services to gather pertinent information on the child's development and behavior.
 - Assessment of the foster parents as a primary adoptive resource for the child or services to help the child move to an adoptive placement.
 - Services that will assist the foster parents in meeting the needs of the child.

THE SPECIFIC SERVICES TO BE PROVIDED TO THE CHILD AND ADOPTIVE FAMILY AFTER ADOPTIVE PLACEMENT are not provided until after termination of parental rights has occurred. Upon submission of the plan and registration with AREVA, the services should be identified in the plan and offered.

10.10 Redeterminations

10.10.1 REDETERMINATION OF TITLE IV-E ELIGIBILITY

ELIGIBILITY MUST BE RE-DETERMINED AT LEAST ANNUALLY.

The service worker shall submit to the eligibility worker the same information required for initial determination, except the commitment order or entrustment agreement. This information includes:

- Verification of appropriate placement;
- Current location of parents;

- School enrollment;
- Real and personal property (including balance in special welfare account);
- Verification of all child's earned and unearned income.

The eligibility worker is to be notified immediately of any change in the child's situation that might affect eligibility, including notification in advance that a child will become age 18, or is expected to graduate from high school prior to reaching age 19.

10.10.2 NOTICE OF CHANGES AFFECTING CHILD SUPPORT

As soon as there are changes in the status of the foster care case or in the situation of the absent parents, the service worker must notify the eligibility worker in writing. The eligibility worker must notify the Division of Child Support Enforcement. Changes in the status of a foster care case or the absent parent's situation may include the following:

- Good cause no longer exists because the service plan goal for the child changes from the goal of return to parents to another goal.
- Parental rights are terminated or the parent(s) have signed a permanent entrustment agreement.
- The child is emancipated or becomes age 18.
- The whereabouts of the child are unknown.
- Death of the child.
- The child is returned to a parent who is a recipient of TANF.
- The foster care case is closed.

At each eligibility redetermination, the service worker will inform the eligibility worker about the status of good cause for not pursuing child support, where appropriate.

10.10.3. REDETERMINATION OF ELIGIBILITY FOR MEDICAID

The service worker is responsible for providing the Medicaid worker information required for the annual redetermination of eligibility and information related to changes in the child's situation.

Changes that might affect eligibility include: changes in income or resources (wages, inheritances, savings, etc.); return of a child to his home on a permanent basis or a trial visit in excess of three months; termination of custody by the court; or placement of children in jails, detention centers, or learning centers.